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8 IN THE UNITED STATES DISTRICT COURT  
9  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, ) No. CR 06-00365 CW  
12 Plaintiff, ) ORDER GRANTING STIPULATION  
13 v. ) CONTINUING FILING DATES  
14 JOHN FRANCES GRIFFIN, )  
15 Defendant. )  
16

17 It is hereby stipulated by and between the parties that the motions filing dates in the above-  
18 referenced case, currently scheduled for: (1) July 17, 2006, for defendant's motions to be filed, (2)  
19 July 31, 2006, for the government's opposition to be filed, and (3) August 21, 2006, for defendant's  
20 reply to be filed, may be vacated. It is further stipulated that the motions hearing/trial setting date,  
21 currently scheduled for September 25, 2006, at 2:00 p.m. before the Honorable Judge Claudia  
22 Wilken should remain on calendar as a status or motions/trial setting date.

23 The parties are requesting that the Court vacate the motions filing dates because the discovery  
24 in this case is voluminous and production is ongoing, with the bulk of the discovery not yet having  
25 been produced. This is a financial case. The government has subpoenaed financial documents and

26  
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MOTIONS FILING DATES

1 has indicated its intention to produce the records as soon as it receives them. However, government  
2 counsel does not expect to receive these documents until mid-August. Additional discovery from  
3 the search warrants is currently being copied by an outside company and expected to be produced  
4 within the next week. Furthermore, defense counsel is awaiting corporate records, including  
5 computerized records and business records from the company. The government has indicated its  
6 willingness to assist the defense in obtaining these records but needs additional information which  
7 defense counsel will immediately provide to it. Finally, defense subpoena applications will be filed  
8 for whatever records cannot be readily obtained from the company within the next week.

9 Defense counsel needs to review the discovery and subpoenaed materials described above and  
10 conduct investigation based upon the discovery and materials in order to determine what motions  
11 should be filed. Defense counsel anticipates that a motion to suppress could be filed, however, this  
12 is a financial case and there are a number of potential witnesses. Thus, any such motion is not likely  
13 to be case dispositive, although it might limit the amount of evidence which could be presented  
14 should the case proceed to trial. In light of this, however, the parties agree that it would be more  
15 efficient to vacate the motions filing dates at this time and instead, set new filing dates at the  
16 September 25, 2006, court appearance, if necessary. The parties anticipate that by that time defense  
17 counsel will have had adequate time to receive and investigate the discovery and the subpoenaed  
18 materials and will be prepared to set a motions filing date fairly quickly which would encompass all  
19 pre-trial motions.

20 Furthermore, the parties also are trying to resolve the case but cannot do so until defense  
21 counsel receives and reviews the discovery and other materials with Mr. Griffin. However, vacating  
22 the motions filing date may obviate the need for any motions to be filed should the parties reach a  
23 resolution.

24 A continuance of the motions filing dates until after September 25, 2006, will enable defense  
25 counsel to obtain the necessary documents and investigate its case based upon the materials  
26

1 received. The parties therefore stipulate that the time from July 17, 2006, to September 25, 2006,  
2 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§  
3 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel in order to allow defense counsel to  
4 obtain additional documents and continue with its investigation.

5 /S/  
6 DATED: July 12, 2006

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JOYCE LEAVITT  
8 Assistant Federal Public Defender

9 /S/  
10 DATED: July 13, 2006

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MAUREEN BESSETTE  
12 Assistant United States Attorney

## 13 ORDER

14 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the motions filing dates in  
15 the above-referenced case are hereby vacated. The motions hearing/trial setting date, currently  
16 scheduled for September 25, 2006, at 2:00 p.m. before the Honorable Judge Claudia Wilken shall  
17 remain on the calendar for status or motions/trial setting date.

18 IT IS FURTHER ORDERED that the time from July 17, 2006, to September 25, 2006, should  
19 be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§  
20 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel in order to allow defense counsel to  
21 obtain additional documents and continue with its investigation. The Court finds that the ends of  
22 justice served outweigh the best interests of the public and the defendant in a speedy and public  
23 trial to allow the parties reasonable time necessary for effective preparation, taking into account  
24 due diligence.

25 SO ORDERED.



26 DATED: 7/17/06

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HONORABLE CLAUDIA WILKEN  
28 United States District Judge